



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Sheth Residence Outdoor Deck

Proposal Address: 2027 W Lake Sammamish Pkwy SE

Proposal Description: This is an application for a Critical Areas Land Use Permit for an elevated deck extending up to 5 feet into a steep slope critical area buffer. The proposal also includes a mitigation plan with native planting.

File Number: 17-117877-LO

Applicant: Rushabh Sheth


Decision Included: Critical Areas Land Use Permit
(Process II. LUC 20.30P)

Planner: Jeremy Hammar, Assistant Planner

**State Environmental Policy Act
Threshold Determination:** Exempt

Director's Decision: Approval with Conditions

Mike Brennan, Director
Development Services Department

By: 
Elizabeth Stead, Land Use Director

Application Date:	<u>July 20, 2017</u>
Notice of Application Publication Date:	<u>August 17, 2017</u>
Decision Publication Date:	<u>October 12, 2017</u>
Project/SEPA Appeal Deadline:	<u>October 26, 2017</u>

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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Attachments:

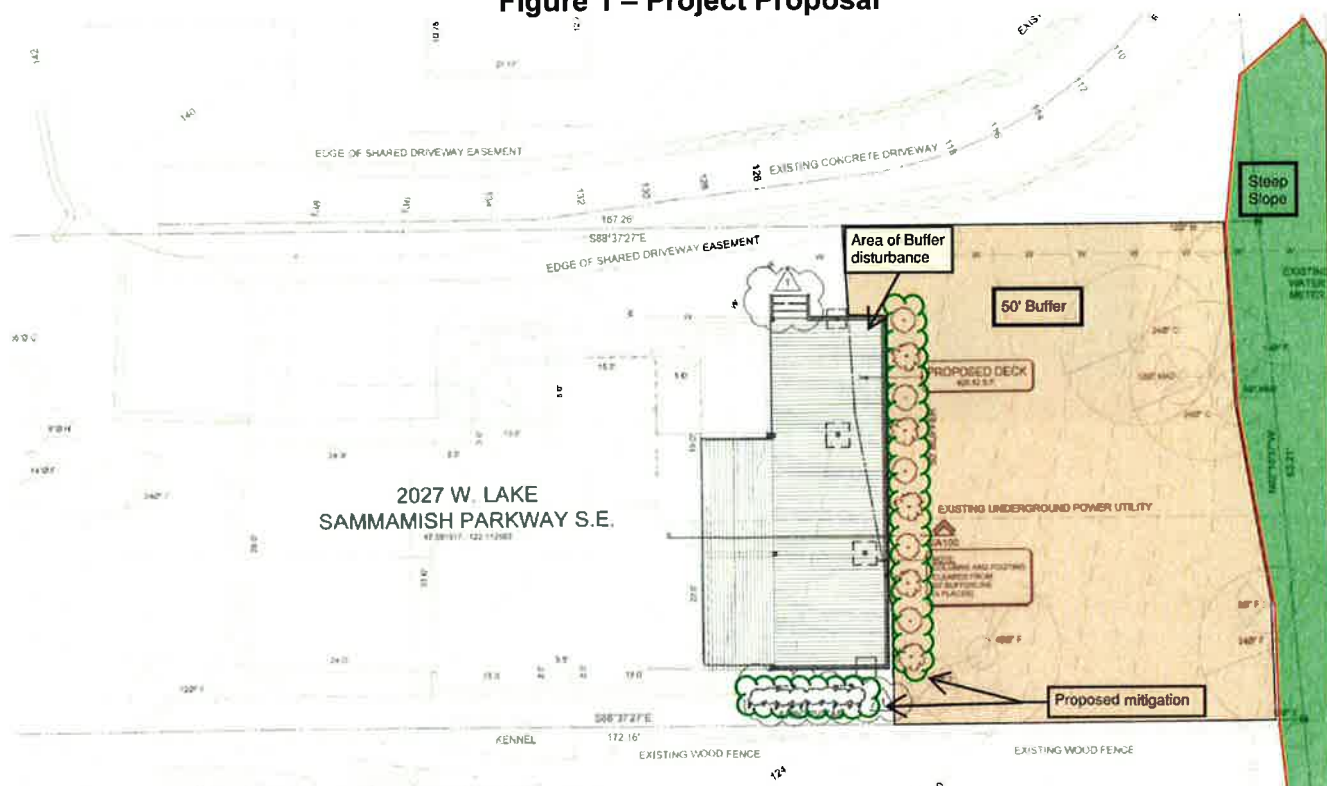
1. Project Plans – Enclosed
2. Environmental Checklist – Enclosed
3. Environmental and Geotechnical Support Materials - In File

I. Proposal Description

The project site is at 2027 W Lake Sammamish Pkwy SE and is a gently sloping lawn area between an existing single family residential dwelling unit and the critical area buffer for a steep slope critical area. The construction of an elevated outdoor deck with spaced decking over existing pervious surface was proposed as part of building permit 17-108965-BR. The footings for the deck are to be constructed outside of the 50' buffer while a cantilevered/overhang section of the northeast portion of the proposed deck extends up to 5 feet into the critical area buffer totaling 100 square feet. There is no physical soil disturbance although it does impact solar access to the critical area buffer.

To mitigate impacts, the applicant is proposing approximately 150 square feet of mitigation plantings within the steep slope buffer. As detailed in the permit narrative and sheet A100 in the file, mitigation plants include a variety of densely planted native shrubs to improve the site's conditions and provide a net increase in ecological function.

Figure 1 – Project Proposal



II. Site Description, Zoning, Land Use, and Critical Areas

The project site is at 2027 West Lake Sammamish Parkway SE, roughly situated 400 feet west of Lake Sammamish. The lot is approximately 10,692 square feet in size.

The topography of the parcel descends from the west to east with its steepest point in the vicinity of the eastern property line. At the west end the parcel is bordered by a steep road cut containing a driveway shared with the lot north of the project site. A ravine descends the slope west of the property trending southeasterly and borders the site at

the SW property corner. The ravine would be classified as a steep slope.

The underlying zoning of the property is R-3.5, and the Comprehensive Plan Land Use Designation is Single Family Residential Medium Density (SF-M). The property is within the Southeast Bellevue comprehensive planning subarea.

Figure 2 – Aerial Photograph

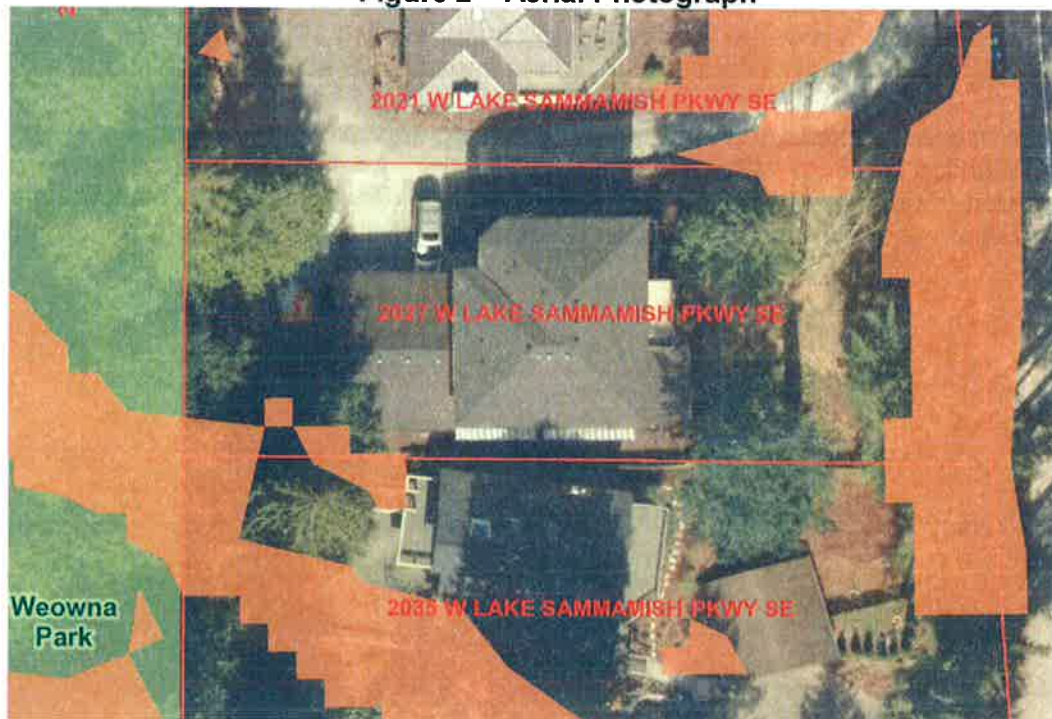


Figure 3 – Site Survey

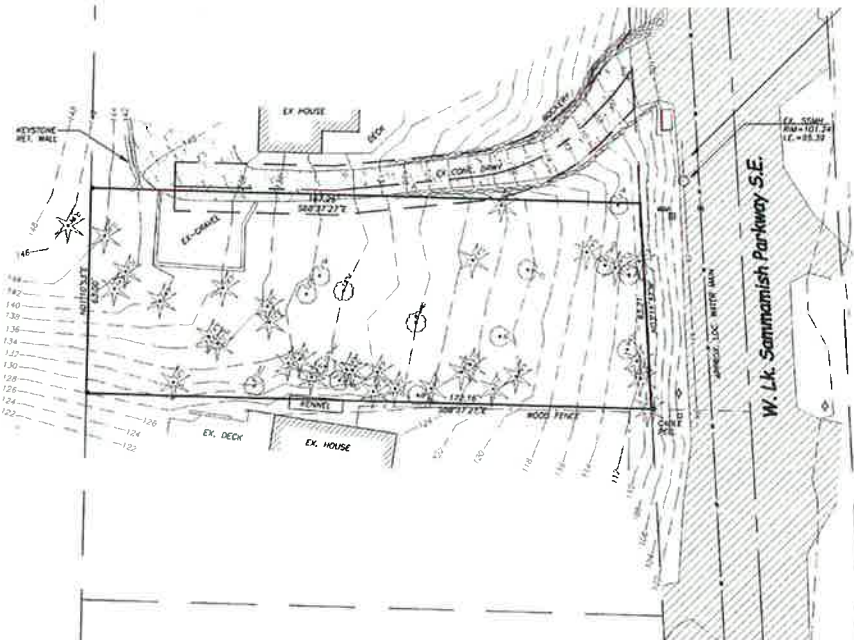


Figure 4 – Site Photographs



III. Site Context

A. Critical Areas:

Geologic Hazard Areas: LUC 20.25H.120.A.2 defines steep slope areas as those areas that contain slopes of greater than 40%, have a rise of at least 10 feet, and exceed 1,000 sf in area. The applicant has submitted a topographical site survey and site map identifying portions of the property which meet the abovementioned criteria and is therefore regulated as a critical area. Additionally, under LUC 20.25H.120.B.1, regulated steep slopes are protected by a 50-foot top-of-slope buffer and a 75-foot toe-of-slope structure setback. The applicant has worked with a licensed surveyor to identify the steep slope areas on the project site plans and has labeled the associated buffers. In addition, the applicant has provided a geotechnical report and a slope stability analysis prepared by a licensed geotechnical engineer.

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

V. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The property is within the R-3.5 zoning district. Based on the materials submitted, the proposal is consistent with the underlying zoning district and consistent with the dimensional requirements in LUC 20.20.010 with the exception of the rear setback reduction from 25 feet to 15 feet as allowed in LUC 20.25H.040.B.

B. Consistency with performance standards for landslide hazards and steep slopes – LUC 20.25H.125

1. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;

Finding: All proposed ground disturbance by the support structure is located outside of the Critical area and buffer. No change to natural contour of the slope is proposed.

2. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

Finding: The proposed deck will extend over a portion of the critical area buffer, all of the foundation elements will be located in the area outside of the 50-foot buffer. No disturbance is proposed within the steep slope critical area. Existing grades and contours will be maintained within the slope area. Construction will not adversely impact the drainage emitters and vegetated flowpath that were part of the design of the single-family home. See Conditions of Approval in Section X of this report.

3. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

Finding: Due to the landscape characteristics of this site, the location of the proposed residence, and the findings of the geotechnical report, the proposed structure will not increase the risk or need for increased buffers on neighboring properties if the

geotechnical recommendations are incorporated in the development. See Conditions of Approval in Section X of this report.

4. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;

Finding: The proposed residence will conform to the existing site and does not propose the use of retaining walls.

5. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;

Finding: The proposed deck is to be constructed with gaps measuring one-eighth inch or greater between boards with a pervious surface below. Per LUC 20.20.460.D it is not considered an impervious surface. See Conditions of Approval in Section X of this report.

6. Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria;

Finding: No changes in grade outside the allowed developable area are proposed. See Conditions of Approval in Section X of this report.

7. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;

Finding: No foundation walls, rockeries, or retaining structures are proposed.

8. On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;

Finding: No construction on slopes in excess of 40 percent is proposed.

9. On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and

Finding: The proposed deck will be located outside of the steep slope portion of the property. See Conditions of Approval in Section X of this report.

10. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.

Finding: All areas of temporary disturbance and permanent disturbance will be restored, mitigated, and monitored pursuant to the approved mitigation plan. See Conditions of Approval in Section X of this report.

VI. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and concurred with the findings within the Geotechnical Report.

VII. Public Notice and Comment

Application Date:	July 20, 2017
Public Notice (500 feet):	August 17, 2017
Minimum Comment Period:	August 31, 2017

The project was publicly noticed in the City's Weekly Permit Bulletin and Seattle Times on August 17, 2017 with notice mailed to property owners within 500 feet of the project site. No written comments were received regarding the proposal, and there are no parties of record besides the applicant.

VIII. Decision Criteria

The proposal, as conditioned below, meets the applicable regulations and decision criteria for a Critical Areas Land Use Permit pursuant to LUC Sections 20.30P.

A. Critical Areas Land Use Permit Decision Criteria 20.30P

1. The proposal obtains all other permits required by the Land Use Code;

Finding: The applicant must obtain a Building Permit before beginning any work. See Conditions of Approval in Section X of this report.

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

Finding: The proposed slope buffer modification and structure construction will follow the design guidelines and requirements identified in the project geotechnical report. All walls and foundations must be designed by a licensed engineer and are subject to review and approval as part of the building permit review. See Conditions of Approval in Section X of this report.

3. The proposal incorporates the performance standards of LUC 20.25H to the maximum extent applicable, and;

Finding: As discussed in Section V of this report, the proposal meets, or as conditioned will meet, the performance standards of LUC 20.25H.125. See Section X of this report for a list of conditions associated with the required performance standards.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

Finding: The proposed home is adequately served by public facilities. All necessary services and ancillary utilities are currently available on-site.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; and

Finding: All areas of temporary disturbance associated with the construction and staging of the new single-family residence will be restored per an approved restoration and mitigation plan. In addition, permanent disturbance of the steep slope buffer area will be mitigated through the enhancement of the steep slope area. The submittal of a complete mitigation and restoration plan and associated financial security device that meets the standards of LUC 20.25H.210-.225 is required and must be approved prior to the issuance of the single family building permit. See Conditions of Approval in Section X of this report regarding the required restoration plan.

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in Section IV & V of this report, the proposal complies with all other applicable requirements of the Land Use Code. The proposed development must also comply with the standards of LUC 20.20.010 except as modified under this approval. See Conditions of Approval in Section X of this report.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of Development Services does hereby **approve with conditions** this application for a Critical Areas Land Use Permit permanently disturb 100 square feet of the critical area buffer in order to construct a new outdoor deck.

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit for the proposed development automatically expires and is void if the applicant fails to file for a Single-family building permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Codes or Ordinances	Contact Person
Clearing and Grading Code – BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code – LUC 20.25H	Jeremy Hammar, 425-452-2739
Noise Control – BCC 9.18	Jeremy Hammar, 425-452-2739
Construction Code – BCC 23	Building Division, 425-452-4121

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

- 1. Building Permit Required:** Prior to the commencement of any development activity on this site, the applicant shall submit a single family building permit application and shall include with the application a copy of the proposed mitigation, restoration, and monitoring plan. The proposed development must comply with the requirements of LUC 20.20.010 except as modified by this approval.

Authority: Land Use Code 20.30P.140
 Reviewer: Jeremy Hammar, Development Services Department

- 2. Mitigation Planting:** The proposed mitigation planting shown on the submitted mitigation plan included on sheet A100 is required to be installed. The mitigation plan is required to be submitted and approved prior to building permit issuance.

Authority: Land Use Code 20.30P.140
 Reviewer: Jeremy Hammar, Development Services Department

- 3. Maintenance Surety:** In order to ensure the mitigation and restoration successfully establishes, a maintenance assurance device that is equal to 100% of the cost of plants, installation, and monitoring is required to be held for a period of five years from the date of successful installation. Five years of maintenance and monitoring is required. The maintenance assurance device will be released to the applicant upon receipt of documentation of reporting successful establishment in compliance with the performance standards described below.

Authority: Land Use Code 20.30P.140
 Reviewer: Jeremy Hammar, Development Services Department

- 4. Maintenance and Monitoring:** The planting area shall be maintained and monitored for 5 years as required by LUC 20.25H.220. Annual monitoring reports are to be submitted to Land Use each of the five years at the beginning (March 24th) and end of each growing season (October 31st). Photos from selected photo points will be included in the monitoring reports to document the planting. The following schedule and performance standards apply and are evaluated in the report for each year:

Year 1 (from date of plant installation)

- 100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%

Year 2 (from date of plant installation)

- At least 90% survival of all installed material

Year 3, 4, & 5 (from date of plant installation)

- At least 85% survival of all installed material

Annual monitoring reports are to be submitted to Land Use each of the five years. The reports, along with a copy of the planting plan, can be sent to Jeremy Hammar at jhammar@bellevuewa.gov or to the address below:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.30P.140; 20.25H.220
Reviewer: Jeremy Hammar, Development Services Department

- 5. Land Use Inspection Required:** Inspection of the mitigation planting shall be completed by the Land Use Planner as part of the building permit inspection process. A Land Use inspection will be added to the building permit.

Authority: Land Use Code 20.25H.210
Reviewer: Jeremy Hammar, Development Services Department

- 6. Restoration for Temporary Disturbance Outside of Allowed Impact Area:** All temporary impacts outside of this allowed impact area must be identified on the approved site plans and shall only be allowed when no feasible alternative exists. All areas of temporary disturbance shall be photo documented before disturbance occurs and shall be restored to the original condition subject to the approved mitigation, restoration, maintenance and monitoring plan. All restored areas of temporary disturbance are subject to five years of maintenance and monitoring.

Authority: Land Use Code 20.25H.220.H
Reviewer: Jeremy Hammar, Development Services Department

- 7. Rainy Season Restrictions:** Due to the proximity to a steep slope, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,
Reviewer: Tom McFarlane, Clearing and Grading Division

- 8. Clearing Limits and Temporary Erosion & Sedimentation Control:** Prior to the initiation of any clearing or grading activities, clearing limits and the location of all temporary erosion and sedimentation control measures shall be field staked for approval by the on-site clearing and grading inspector.

Authority: Bellevue City Code 23.76.060 and 23.76.090
Reviewer: Tom McFarlane, Clearing and Grading Division

- 9. Noise Control:** The proposal will be subject to normal construction hours of 7 a.m. to 6 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Proximity to existing residential uses will be given special consideration. Upon written request to DSD, work hours may be extended to 10:00 p.m. if the criteria for extension of work hours as stated in BCC 9.18 can be met and the appropriate mitigation employed.

Authority: Bellevue City Code 9.18
Reviewer: Jeremy Hammar, Development Services Department

- 10. Hold Harmless Agreement:** Prior to building permit or clearing and grading permit approval, the property owner or his/her agent shall submit a hold harmless agreement releasing the City of Bellevue from any and all liability associated with the installation of slope stabilization measures. The agreement must meet city requirements and must be reviewed by the City Attorney's Office for formal approval.

Authority: Land Use Code 20.30P.170
Reviewer: Jeremy Hammar, Development Services Department

- 11. Buffer and Setback Modification Limitations:** The approved modifications of the Steep Slope Critical Area Buffer and Structure Setback approved by this report are for the intended use described below only. There is no implied approval for future modifications or expansion of any sort within the prescribed critical area or critical area buffer/structure setback. Routine repair and maintenance shall be in accordance with the performance standards set forth in LUC 20.25H.055.

- a. Permanently disturb 100 square feet of the critical area buffer in order to construct a new outdoor deck.

Authority: Land Use Code 20.25H.230
Reviewer: Jeremy Hammar, Development Services Department